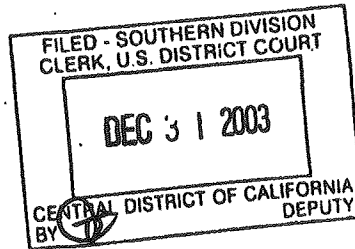


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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
SANTA ANA

BY 



UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
SCOTT KOHN,  
Defendant.

SA CR 03- **330**

I N F O R M A T I O N

[18 U.S.C. § 371: Conspiracy;  
18 U.S.C. § 2320: Trafficking  
in Counterfeit Goods; 18 U.S.C.  
§ 2: Aiding and Abetting and  
Causing an Act to Be Done]

UNDER SEAL

The United States Attorney charges:

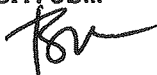
COUNT ONE

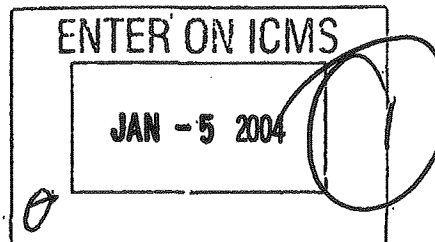
[18 U.S.C. § 371]

A. OBJECT OF THE CONSPIRACY

1. Beginning on a date unknown, and continuing to on or  
about December 16, 2003, in Orange County, within the Central  
District of California, defendant SCOTT KOHN and others conspired  
and agreed to commit an offense under Title 18, United States  
Code, section 2320, namely, intentional trafficking and attempted  
trafficking in counterfeit goods.

TSM:tsm





1 B. MEANS BY WHICH THE OBJECT OF THE CONSPIRACY WAS TO BE  
2 ACCOMPLISHED

3 2. The object of the conspiracy was to be accomplished, in  
4 substance, as follows:

5 a. Defendant SCOTT KOHN, owner of Computer Supply  
6 Corporation ("CSC"), directed employees of CSC to purchase lower-  
7 capacity genuine Sun Microsystems, Inc. ("Sun") memory modules.

8 b. Defendant SCOTT KOHN directed employees of CSC to  
9 remove the memory chips from the lower-capacity Sun memory  
10 modules.

11 c. Defendant SCOTT KOHN directed employees of CSC to place  
12 different memory chips into the Sun memory modules, thereby  
13 making higher-capacity memory modules.

14 d. Defendant SCOTT KOHN directed employees of CSC to place  
15 counterfeit Sun labels on the higher-capacity memory modules.

16 e. Defendant SCOTT KOHN, through his company CSC, sold  
17 counterfeit Sun memory modules as genuine Sun memory modules.

18 f. Defendant SCOTT KOHN purchased and directed the  
19 purchase of hard drives for CSC, which hard drives were not  
20 genuine Sun products.

21 g. After purchasing the hard drives, defendant SCOTT KOHN  
22 caused the hard drives to be delivered to BLT of Orange,  
23 California, and Emerge of Laguna Niguel, California.

24 h. At the direction of defendant SCOTT KOHN, BLT and  
25 Emerge, which are not authorized by Sun to encode Sun proprietary  
26 information onto hard drives, would encode the hard drives with  
27 Sun proprietary information that caused the hard drives to  
28 function as if the hard drives were authentic Sun hard drives.

1 i. Defendant SCOTT KOHN would take to CSC the hard drives  
2 that BLT and Emerge had encoded, and attach to them metal plates  
3 and brackets that made the hard drives look like authentic Sun  
4 hard drives.

5 j. Defendant SCOTT KOHN, through his company CSC, sold  
6 counterfeit Sun hard drives as genuine Sun hard drives.

7 C. OVERT ACTS

8 3. In furtherance of the conspiracy and to accomplish the  
9 object of the conspiracy, defendant SCOTT KOHN, and others  
10 committed various overt acts within the Central District of  
11 California and elsewhere, including, but not limited to, the  
12 following:

13 a. From approximately June 2002 through December 16, 2003  
14 defendant SCOTT KOHN, through his company CSC, purchased over  
15 1000 non-Sun hard drives.

16 b. From approximately June 2002 through December 16, 2003,  
17 in Orange County, within the Central District of California,  
18 defendant SCOTT KOHN met regularly with representatives of BLT  
19 and Emerge to discuss encoding the over 1000 non-Sun hard drives  
20 with Sun proprietary information.

21 c. From approximately June 2002 through December 16, 2003,  
22 in Orange County, within the Central District of California,  
23 defendant SCOTT KOHN received from BLT and Emerge over 1000 non-  
24 Sun hard drives that had been encoded with Sun proprietary  
25 information.

26 d. From approximately June 2002 through December 16, 2003,  
27 in Orange County, within the Central District of California,  
28 defendant SCOTT KOHN, through his company CSC, sold as genuine

1 Sun hard drives over 1000 non-Sun hard drives that had been  
2 encoded with Sun proprietary information, and labeled as genuine  
3 Sun hard drives.

4 e. From approximately June 2003 through December 16, 2003,  
5 in Orange County, within the Central District of California,  
6 defendant SCOTT KOHN, through his company CSC, purchased over 100  
7 genuine Sun memory modules.

8 f. From approximately June 2003 through December 16, 2003,  
9 in Orange County, within the Central District of California,  
10 defendant SCOTT KOHN, through his company CSC, removed from the  
11 over 100 genuine Sun memory modules the memory chips on the  
12 modules.

13 g. From approximately June 2003 through December 16, 2003,  
14 in Orange County, within the Central District of California,  
15 defendant SCOTT KOHN, through his company CSC, placed higher  
16 capacity memory chips onto the over 100 memory boards that  
17 originally had been genuine Sun memory modules.

18 h. From approximately June 2003 through December 16, 2003,  
19 in Orange County, within the Central District of California,  
20 defendant SCOTT KOHN, through his company CSC, labeled, packaged  
21 and sold as genuine Sun memory modules over 100 counterfeit  
22 memory modules.

COUNT TWO

[18 U.S.C. §§ 2320, 2]

4. Beginning on or about June 1, 2003, and continuing to on or about December 16, 2003, within the Central District of California, defendant SCOTT KOHN intentionally aided, abetted and caused the trafficking and attempted trafficking in goods, namely, more than 100 units of counterfeit Sun Memory Modules, and knowingly used counterfeit marks, namely, the term "Sun" and the Sun logo, on and in connection with such goods, which counterfeit marks were identical with and substantially indistinguishable from genuine marks which were in use and registered for those goods on the principal register in the United States Patent and Trademark Office, and the use of such counterfeit marks was likely to cause confusion, to cause mistake, and to deceive.

COUNT THREE

[18 U.S.C. §§.2320, 2]

5. Beginning on a date unknown, and continuing to on or about December 16, 2003, within the Central District of California, defendant SCOTT KOHN intentionally aided, abetted and caused the trafficking in goods, namely, more than 1000 counterfeit Sun hard drives, and knowingly used counterfeit marks, namely, the term "Sun" and the Sun logo, on and in connection with such goods, which counterfeit marks were identical with and substantially indistinguishable from genuine marks which were in use and registered for those goods on the principal register in the United States Patent and Trademark Office, and the use of such counterfeit marks was likely to cause confusion, to cause mistake, and to deceive.

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